HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 241/2006 (S/S)

Jaman Singh

Vs

State and Others.

Approved for reporting.

~~Not Approved for reporting~~

Date of decision 28.02.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCAHL AT NAINITAL.

Civil Writ Petition No. 241 of 2006(S/S)

Jaman Singh, S/o Sri Kalyan Singh, Village Ghutiyal, Post Office, Talla Ramgarh, District Nainital, Presently Working as Dozer Cleaner, 29th Circle, Public Works Department, Pithoragarh.

....
Petitioner.

Versus

1- State of Uttaranchal through Secretary, Public Works Department, Uttaranchal Shasan, Dehradun.
2- Chief Engineer, Level-1, Public Works Department, Kumaon Division, Almora.
3- Superintending Engineer, 29th Circle, Public Works Department, Haldwani.
4- Assistant Engineer, V/Ya Khand, Public Works Department, Pithoragarh.

.... Respondents.

Sri Subhash Upadhayay, learned counsel for the petitioner.
Learned standing Counsel for respondents.

HON'BLE RAJESH TANDON.J.

28.02.2006.

Heard Sri Subhash Upadhayay, learned counsel for the petitioner and learned Standing counsel for the respondents. Both the parties submitted that the petition may be disposed of at the admission stage.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to consider the case of the petitioner for

regularization from the date when juniors to the petitioner were regularized.

Briefly stated, the petitioner was engaged as cleaner at the V/Ya Kand, Haldwani District Nainital on daily wages basis on 1-1-1985.

In the year 1995, a temporary seniority list was published in the erstwhile state of U.P. with regard to the daily wagers working as cleaner in which the date of the petitioner was shown as 1-9-1988. The petitioner has moved a representation against the seniority list to the Assistant Engineer but the same was not decided and, as such, the claim of the petitioner was not considered.

The grievance of the petitioner is that on 11-5-2001 another tentative seniority list was issued and the juniors to the petitioner have been promoted in pursuance of the seniority list.

The petitioner has moved representation on 30--9-2004 and 10-1-2005 but the same has not been considered as yet. The petitioner has submitted that junior to the petitioner, namely, Sri Nageshwar Prasad, Sri Kheem Ram, Sri Harish Chandra Arya, Sri

Chandra Prakash and Sri Dukhi Ram Gaur have already been regularized but the petitioner has not been considered for regularization. The petitioner has also referred the seniority list issued by the State of Uttaranchal where the name of the petitioner has been shown in the last and he has been treated to be a daily wager from 1-1-1985.

Thus, the sole grievance of the petitioner is that once the date of appointment of the petitioner as daily wager is established from 1-1-85 he is entitled for regularization from the year 1998 when the juniors to the petitioner were promoted. However, the case of the petitioner has not been considered on account of the fact that he was appointee of the year 1988. The petitioner has already made a representation on 10-1-2005 (Annexure 5 to the writ petition).

In view of above, the respondents are directed to consider the said representation of the petitioner within a period of 2 months from the date of filing the certified copy of the order.

The writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon. J)

28.02.2006.
Negi